

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

LENIN GUZMAN-HIDALGO,

Defendant.

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18-cr-434-JGK-001

ORDER

JOHN G. KOELTL, District Judge:

The Court has received the attached motion for compassionate release from the defendant. The Government shall respond by June 25, 2020 and the defendant may respond by July 6, 2020.

Chambers will mail a copy of this order to the pro se defendant at the docket address. This Order is also being sent to the defendant's prior counsel. If the defendant wishes to be represented and prior counsel agrees, prior counsel can submit any supplemental papers and the time to respond and reply will be extended.

SO ORDERED.

Dated: New York, New York  
June 10, 2020

/s/ John G. Koeltl  
\_\_\_\_\_  
John G. Koeltl  
United States District Judge

Lenin Guzman Hidalgo.

MCC New York  
150 Park Row  
New York, NY 10007

United States v. Lenin Guzman-Hidalgo

Docket No. 18CR 00434

Date: May 27<sup>th</sup>, 2020

Re: Request for Reduction in Sentence Motion  
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Honorable Judge John Koeltl,

I, Lenin Guzman Hidalgo, humbly ask this court and honorable Judge Koeltl to grant me a modest sentence reduction so that I can be immediately released from the custody and care of the Metropolitan Correction Center. I ask that the court convert my remaining 19 months & 17 days of imprisonment to Home Confinement by imposing a sentence of time served and 3 years of supervised release with a condition of home confinement to expire on my projected good time release date of OCT 4, 2021. This court has the authority to grant this reduction and to do the right thing. This sentence reduction into home confinement complies with the First Step Act's compassionate release, 18 USC Title 18 Sec. 3582(c)(1)(A) "Modification of an imposed term of imprisonment", and 18 USC Sec. 3553(A) sentencing factors. My Home Detention Eligibility Date is confirmed for 07-30 ~~10-11-20~~, 2021 and under normal conditions and properly managed reentry benefits by BOP Unit Team Staff, I would already be in or approaching a halfway house or home confinement setting. But these are unprecedented times as CoVID-19 impacts the Nation and MCC New York in particular. This sentence reduction is necessary, just, and a feasible way to protect my life and well-being in addition to other inmates and BOP Staff that are in close and constant daily contact.

Because of the ongoing CoVID-19 public health emergency, the court should hear my motion to reduce my sentence now. Based on the statutory language, I can apply directly to the sentencing court for compassionate release. I am applying my compassionate release request to this court after my Warden at MCC received my request within the last 30 days. I submit

that this is an emergency situation, CoVID-19 pandemic, in which the court is empowered to immediately hear my Motion. Federal Courts have previously found that they can hear applications prior to the expiration of the 30 days if there is some emergency. (United States v. James Arberry, No. 15 Cr. 594). "Even where [administrative] exhaustion is seemingly mandated by statute or decisional law, the requirement is not absolute." (Washington v. Barr, 925 F.3d 109, 118 (2d Cir. 2019)). This is an emergency situation and every additional day that I spend at MCC New York increases the likelihood of contracting CoVID-19, falling ill, or spreading the virus to others at the facility due to the fact that I am housed in "Unit 11-South". This dorm style setting amounts to being incarcerated in a single room with at least 20 - 25 other inmates whom all share a single toilet, shower, and bathroom which makes it impossible to maintain a hygienic living environment, impossible to be consistent with the CDC guidelines of keeping a 6-foot social distance between inmates, and makes it impossible to minimize and/or control the spread of CoVID-19. The spread of CoVID-19 at MCC New York creates an extraordinary and compelling reason to grant this reduction. Additionally, granting this reduction would be consistent with the Sec. 3553(a) sentencing factors and other requirements for compassionate release.


I believe I am an eligible candidate and qualify for early release into Home Confinement since I am a low-level, non-violent offender who does not pose any risk or danger to the community. I have a verified reentry plan consisting of suitable residence, secured employment, and strong family ties and support.

I have already served a significant portion of my sentence with a very difficult incarceration here at MCC New York evident with being under lockdown status since Feb. 27th, 2020 due to a facility search for a loaded firearm continued with another lockdown since March 22nd 2020 due to the rapid spread of CoVID-19 throughout the institution till present. My term of imprisonment coupled with my continuing home detention should be sufficient for purposes of punishment and general and specific deterrence and rehabilitation.

For the reasons described above and pertinent information attached, this Court should immediately grant me my motion to reduce my sentence pursuant to 18 USC Sec. 3582(c)(1)(A) and resentence me to time served, resentence me to the same amount of supervised release [ 3 year(s)], with the special condition of 19 months of home confinement to expire on my initial projected good time release date of Oct - 4, 2020.1

Please contact me if there is any additional information needed. Thank you for your time and consideration.

Respectfully signed,

x   
Lenin Guzman Hidalgo

Reg. No. 85702 - 054

Dated: May 27<sup>th</sup>, 2020

Lenin Guzman Hidalgo  
MCC New York  
150 Park Row  
New York, NY 10007

\* Please see attached supporting documents to my motion \*



NYME3 540*23 *	SENTENCE MONITORING	*	04-16-2020
PAGE 001 *	COMPUTATION DATA	*	09:03:44
	AS OF 04-16-2020		

REGNO...: 85702-054 NAME: GUZMAN-HIDALGO, LENIN

FBI NO.....: 254508WD8	DATE OF BIRTH: 03-28-1987	AGE: 33
ARS1.....: NYM/A-HLD		
UNIT.....: 11S	QUARTERS.....: K12-063U	
DETAINERS.....: NO	NOTIFICATIONS: NO	

HOME DETENTION ELIGIBILITY DATE: 07-30-2021

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.  
THE INMATE IS PROJECTED FOR RELEASE: 10-04-2021 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: NEW YORK, SOUTHERN DISTRICT  
DOCKET NUMBER.....: 1:18CR00434-001(JGK)  
JUDGE.....: KOELTL  
DATE SENTENCED/PROBATION IMPOSED: 01-17-2020  
DATE COMMITTED.....: 03-13-2020  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$935,943.03

-----CURRENT OBLIGATION NO: 010 -----  
OFFENSE CODE....: 261 18:2112-33 THEFT GOVT SCRITY  
OFF/CHG: 18:641 THEFT OF GOVERNMENT FUNDS CT.2

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 22 MONTHS  
TERM OF SUPERVISION.....: 3 YEARS  
DATE OF OFFENSE.....: 09-30-2017

G0002 MORE PAGES TO FOLLOW . . .

G0000 TRANSACTION SUCCESSFULLY COMPLETED

Lenin Brennan Hidalgo # 85702-054  
Mc New York  
150 Park Row  
New York, NY 10007

INQ'S  
321

Clark Office, Urban & Koell  
500 Pearl St #1030  
New York, NY 10007

10007-131699



NEW YORK NY 100  
JUN 10 2020 PM 2:42